


AMENDMENTS

Please make the following amendments to the application.

In the Claims:

Please cancel claim 34.

Please amend claims 1-4, 7, 17 and 26 as follows:

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1. (Amended) A device for inducing local bone or cartilage formation, comprising:

osteogenic protein;

matrix derived from non-synthetic, non-polymeric material other than
demineralized bone; and

binding agent.
 2. (Amended) The device of claim 1, wherein said osteogenic protein is selected from the group consisting of: OP1, OP2, OP3, BMP2, BMP3, BMP4, BMP5, BMP6, [BM9] BMP9, BMP10, BMP11, BMP12, BMP15, BMP16, DPP, Vg1, 60A protein, GDF-1, GDF3, GDF5, GDF6, GDF7, GDF8, GDF9, GDF10, GDF11, and conservative amino acid sequence variants of each of the foregoing.
 3. (Amended) The device of claim 1, wherein said osteogenic protein is selected from the group consisting of OP1, OP2, BMP2, BMP4, BMP5, BMP6, and conservative amino acid sequence variants thereof.

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4. (Amended) The device of claim 1, wherein said osteogenic protein [comprisES] comprises an amino acid sequence having at least 70% homology with the C-terminal 102-106 amino acids, including the conserved seven cysteine domain, of human OP1.

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7. (Amended) The device of claim 1, wherein said matrix is selected from the group consisting of: collagen, [demineralized bone,] apatites, hydroxyapatites, tricalcium phosphates, and admixtures thereof.

17. (Amended) A device for inducing local bone or cartilage formation, comprising:

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osteogenic protein OP-1, approximately at least 1.25mg;
collagen matrix, approximately 1000mg; and
carboxymethylcellulose, approximately at least 180mg.

26. (Amended) A method for inducing local bone or cartilage formation at a defect site [for repair of bone, cartilage or osteochondral defects], comprising the step of:

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providing the device of claim 1, 17, 20 or 23 to [a] said defect site,
whereby providing said device to said defect site induces repair of bone, cartilage or osteochondral defects at said defect site.

Please add the following new claims:

35. (New) A kit for inducing local bone or cartilage formation using the device of claim 1, the kit comprising:

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a first receptacle adapted to house an osteogenic protein, a matrix material, and a binding agent,

wherein the osteogenic protein, matrix material and binding agent are provided in said receptacle.

36. (New) The kit of claim 35, further comprising a second receptacle adapted to house a wetting agent.

REMARKS

Following entry of this amendment, claims 1-33, 35 and 36 now are pending. Claims 1 and 7 have been amended to further distinguish the invention over the prior art. Claims 2 and 3 have been amended to improve correspondence between the claims and the specification. Claim 17 has been amended to ensure proper claim dependency by claim 18. Claim 26 has been amended to more particularly define the invention. Claims 35 and 36 have been added. Basis for these claim amendments and additions appears in the specification and claims as filed. No new matter has been added. Claim 34 has been canceled to eliminate redundant language in view of the addition of claims 35 and 36.

The Examiner's outstanding rejections of the claims and specification are addressed in turn below. To the extent these rejections are maintained in view of the amendments and arguments presented herein, Applicants respectfully traverse for the reasons set forth below.

Objections to the Claims

Claim 2 was objected to because of the typographical error that occurred in spelling "BMP9". Claim 2 has been amended to correct this typographical error.

Claim 18 was objected to under 37 C.F.R. § 1.75(c) as being in improper dependent form by failing to further limit the subject matter of the previous claim. Claim 18 depends from independent claim 17. Claim 17 has been amended to state the amount of osteogenic protein as "approximately at least 1.25mg," rather than "approximately 1.25mg." In light of the